

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MITCHELL KEITH GOODRUM,

Plaintiff,

v.

NEW RIVER TOWNSHIP, *et al.*,

Defendants.

Case No. 3:24-cv-00069-MMD-CSD

ORDER

I. DISCUSSION

On October 24, 2024, the Court issued an order screening Plaintiff's civil rights complaint under 28 U.S.C. § 1915A. (ECF No. 4.) The screening order dismissed Plaintiff's claims without prejudice and with leave to amend. (*Id.* at 8-9.) However, the Court noted that under *Heck v. Humphrey*, 512 U.S. 477 (1994) Plaintiff could only bring his due process claim regarding his competence to stand trial if his conviction has already been overturned. (*Id.* at 5-6.) The Court gave Plaintiff leave to amend his medical care claim based on the vague allegations in the complaint, but the Court also noted that Plaintiff's claim regarding his medical care may also be barred by *Heck*. (*Id.*)

Plaintiff has filed a motion requesting that this case be stayed while he pursues a habeas corpus petition. (ECF No. 6.) Plaintiff states that he intends to file the petition by January 30, 2025. (*Id.*) Plaintiff also requests an extension to file an amended complaint. (*Id.*)

Based on Plaintiff's motion, it appears that Plaintiff's conviction has not yet been overturned, and he wishes to stay this case while he seeks to overturn his conviction. However, *Heck* states that when a plaintiff brings a complaint under 42 U.S.C. § 1983 that would necessarily imply the invalidity of his conviction, "the complaint **must be dismissed** unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated." *Heck*, 512 U.S. at 487 (emphasis added). The Court's previous screening order dismissed Plaintiff's claims, as *Heck* requires. Because *Heck* does not

1 provide for courts to stay cases while a Plaintiff seeks to overturn his conviction, Plaintiff's
2 request for a stay is denied.

3 To the extent that Plaintiff has claims that are not barred by *Heck*, he may pursue
4 them now. Plaintiff may only bring claims that implicate *Heck* after his conviction has been
5 overturned. If Plaintiff believes that all of his claims in this case are barred by *Heck*, he
6 may file a motion to voluntarily dismiss this case without prejudice and then pursue his
7 claims after he overturns his conviction.

8 The Court grants plaintiff an extension until **March 10, 2025**, to file an amended
9 complaint. Barring unusual circumstances, the Court does not anticipate granting another
10 extension.

11 **II. CONCLUSION**

12 It is therefore ordered that Plaintiff's motion requesting a stay and an extension to
13 file an amended complaint (ECF No. 6) is granted in part and denied in part. Plaintiff's
14 request to stay this case is denied. Plaintiff' request for an extension is granted. Plaintiff
15 shall file any amended complaint on or before **March 10, 2025**.

16 Pursuant to the Court's previous screening order, if Plaintiff fails to file an amended
17 complaint by this extended deadline, this case will be subject to dismissal.

18 DATED: February 6, 2025

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20 UNITED STATES MAGISTRATE JUDGE
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